

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

**KENNETH ROSHAUN REID,** : Civil No. 1:17-cv-1062

:  
**Plaintiff,** :

:  
**v.** :

**WARDEN DAVID J. EBBERT,** :

:  
**Defendant.** : Judge Sylvia H. Rambo

**M E M O R A N D U M**

Before the court is a report and recommendation filed by the magistrate judge in which he recommends that Kenneth Reid's petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2241 be denied without prejudice. Reid has filed objections.

**I. Discussion**

Reid claims that he is actually innocent of the crime of murder through the use of a firearm in the course of a drug trafficking offense because the government did not prove the elements of Count One of the indictment – conspiracy to distribute cocaine base.

As in the case of *Reid v. Ebbert*, Civ. No. 17-cv-0885, which was dismissed, this court does not have jurisdiction. Reid is challenging the validity of his conviction and sentence and must do so by filing an action pursuant to 28 U.S.C. § 2255. This court adopts the reasoning set forth in its memorandum and order

issued in Civil No. 17-cv-1062, as well as the report and recommendation of the magistrate judge in the instant case.

An appropriate order will issue.

s/Sylvia H. Rambo

SYLVIA H. RAMBO

United States District Judge

Dated: May 24, 2018